

University of Louisville

ThinkIR: The University of Louisville's Institutional Repository

College of Arts & Sciences Senior Honors
Theses

College of Arts & Sciences

5-2023

An emergentist critique of the contract theory of the state of nature, with a consideration on two types of polity and their origins.

Ryan A. Apperson
University of Louisville

Follow this and additional works at: <https://ir.library.louisville.edu/honors>



Part of the [Ancient History, Greek and Roman through Late Antiquity Commons](#), [Comparative Philosophy Commons](#), [Comparative Politics Commons](#), [Continental Philosophy Commons](#), [Ethics and Political Philosophy Commons](#), and the [Political Theory Commons](#)

Recommended Citation

Apperson, Ryan A., "An emergentist critique of the contract theory of the state of nature, with a consideration on two types of polity and their origins." (2023). *College of Arts & Sciences Senior Honors Theses*. Paper 311.

Retrieved from <https://ir.library.louisville.edu/honors/311>

This Senior Honors Thesis is brought to you for free and open access by the College of Arts & Sciences at ThinkIR: The University of Louisville's Institutional Repository. It has been accepted for inclusion in College of Arts & Sciences Senior Honors Theses by an authorized administrator of ThinkIR: The University of Louisville's Institutional Repository. This title appears here courtesy of the author, who has retained all other copyrights. For more information, please contact thinkir@louisville.edu.

An Emergentist Critique of the Contract Theory of the State of Nature,
With a Consideration on Two Types of Polity and their Origins

By
Ryan Apperson

Submitted in partial fulfillment of the requirements
for Graduation *summa cum laude*
and for Graduation from the Department of Philosophy
University of Louisville
May 2023

Abstract

The theories of the state of nature provided by the political philosophers Thomas Hobbes and John Locke have made a significant impact in the general conceptions of the origin of states. Though there are many critical differences in the conceptions of the state of nature between each in their seminal works, they both possess of a view of states that is rational and constructivist.

In this paper, I use the game theory concepts of the coordination game, collective action problem, and focal point to illustrate a lacuna in this rational and constructivist conception of the origin of states, as their models of state formation contain their own collective action problems. I then utilize the evolutionary biology theories of inclusive fitness and kin selection to pose a model of the origin of states that is based on an emergent dynamic. In this model, I suggest that states are social technologies whose early instantiations are made to mediate between kinship groups, acquiring constructive characteristics as social complexity builds and the needs and structure of society shifts. I discuss a number of historical anecdotes to illustrate this point.

Lastly, I propose two models of state organization utilizing the Deleuzo-Guattarian concepts of rhizomatic and arborescent structures based on this emergent conception of the state of nature. I also make use of the systems theory concept of cybernetics to consider control structures and efficiency in these political structures. Some states maintain arborescent structures, with the potential for complete sovereignty consisting of a monopoly on violence and the right to decide exceptions to legal and customary procedure. Others are rhizomatic, consisting of institutional networks in a state of political equilibrium without a central coordinating organization. Both types contain emergent and constructed forms, but the existence of constructed polities of either type is reliant on the emergent of constructed forms first.

Lay Summary

The conceptions of the state of nature provided by political philosopher Thomas Hobbes and John Locke caused a significant impact on the conception of the origin of states. Though their theories on the state of nature propounded in their seminal works differed in significant ways, they both possess of a view of states in which states come from deliberative action by rational individuals.

I critique this view of the state of nature and the formation of political systems and propose instead a model of the state of nature based on evolved institutions and family group competition. I pose two models of state that come from this evolution, a “rhizomatic” diffuse and “arborescent” centralized state with differing forms of organization and control structures. The “arborescent” state has centralized control structures and a centrally held monopoly on violence, while the “rhizomatic” state has a network of institutions bound by custom or contract to uphold a peaceful equilibrium.

Introduction

Two of the most foundational luminaries of the English tradition are the political philosophers Thomas Hobbes and John Locke. Both confronted one of philosophy's most foundational questions: what is the essence of humanity in the state of nature, and from whence do human societies and polities originate? Hobbes viewed nature as a place of anarchistic violence governed by a cold and unforgiving natural law.¹ "Natural law," Hobbes argues in *Leviathan*, is merely the right to defend oneself in nature where one encounters a "war of every man against every man."² Hobbes believed that all individuals in the state of nature stand equal "in the faculties of body and mind, as though there be found one man sometimes manifestly stronger in body, or of quicker mind than another, yet when all is reckoned together, the difference between individuals is not so considerable as that one man can thereupon claim to himself any benefit, to which another may not pretend as well."³ Because of this state of relative equality no individual could assert power over all others, and all people found themselves in a constant state of violence and insecurity.

John Locke also held the state of nature to be a state of freedom and equality, but while it may have been a state in which the individual was capable of great violence, it was also one of cooperation. This view includes the Hobbesian conception by which freedom and authority are equally distributed and action is unconstrained by human law, as the urge towards cooperation

¹ Rousseau in his *A Dissertation on the Origin and Foundation of the Inequality of Mankind* takes some issue with the Hobbesian conception of humanity in the state of nature, specifically with Hobbes' notion that humanity seeks property by nature. Rousseau considers property to be the real construction and innovation, not human comity: "The first man who, having enclosed a piece of ground, bethought himself of saying This is mine, and found people simple enough to believe him, was the real founder of civil society. From how many crimes, wars, and murders, from how many horrors and misfortunes might not any one have saved mankind, by pulling up the stakes, or filling up the ditch, and crying to his fellows: Beware of listening to this impostor; you are undone if you once forget that the fruits of the earth belong to us all, and the earth itself to nobody." (Rousseau, *Discourse on Inequality*, p. 23)

²Hobbes, *Leviathan*, Ch. XIII p. 98

³Hobbes, *Leviathan*, Ch. XIII p. 95

proceeds from natural law. Locke's view contains a component that Hobbes' conception of the state of nature does not: for Locke, humanity possesses a "natural inducement"⁴ to altruism:

Everyone is obliged to preserve himself and not opt out of life willfully, so for the same reason everyone ought, when his own survival isn't at stake, to do as much as he can to preserve the rest of mankind; and except when it's a matter of punishing an offender, no-one may take away or damage anything that contributes to the preservation of someone else's life, liberty, health, limb, or goods.⁵

Natural law for Locke consists of not merely the Hobbesian sense of right to compete in a natural struggle in the state of nature, but also a duty not to infringe upon rights of others to "life, liberty, health, or possessions."⁶ The same inducement compels us to create social contracts, such that these rights might be better protected.

In the case of both political philosophers, polities proceed from the needs of humanity in this state of nature. For Hobbes, the greatest need in this state is protection, freedom from the privations caused by conflict:

The final, cause, end, or design of men who naturally love liberty, and dominion over others, in the introduction of that restraint upon themselves in which we see them live in commonwealths, is the foresight of their own preservation, and of a more contented life thereby; that is to say, of getting themselves out of that miserable condition of war, which is necessarily consequent, as hath been shown, to

⁴ Locke, *Second Treatise on Government*, Ch. 2, p. 3, § 5

⁵ Locke, *Second Treatise*, Ch. 2, p. 4, § 6

⁶ Locke, *Second Treatise*, Ch. 11, p. 43, § 135

the natural passions of men, when there is no visible power to keep them in awe, and tie them by fear of punishment to the performance of their covenants...⁷

In nature individuals are capable of free action and desirous of power over others, thus having both means and motivation to undertake violence for the satisfaction of their personal caprices. Ultimately, this is destructive to themselves, as they must live in perpetual fear for their own lives and for the preservation of their property against others sharing those same desires and capabilities. As a result, in an effort to create more security and peace for themselves, individuals agree to grant a sovereign sole authority to exercise violence in the name of securing peace and punishment of aggressors. Those living under this authority would no longer have to live in such a state of fear and privation. Sovereignty is the result of long-term self interest to overcome the general condition of privation in the state of nature. Hobbes described the process of sovereign formation thus:

The attaining to this sovereign power is by two ways. One, by natural force: as when a man maketh his children to submit themselves and their children to his government, as being able to destroy them if they refuse; or by war subdueth his enemies to his will, giving them their lives on that condition. The other is when men agree amongst themselves to submit to some man, or some assembly of men, voluntarily, on confidence to be protected by him against all others. The latter may be called a commonwealth by institution; and the former, a commonwealth by acquisition.⁸

⁷ Hobbes, *Leviathan* Ch. XVI p. 131

⁸ Hobbes, *Leviathan* Ch. XVII p. 135

For both philosophers, states form by a decision of free-thinking rational agents to overcome a coordination problem. In Locke's view, the purpose of a structured society is not to place a restraint on the natural freedom of humanity, but to allow that freedom to flourish through the rational prerogative of individuals seeking to protect their natural freedoms against infringement. For Hobbes, violence and predation are a natural state of humanity, the rights to which can be relinquished in full to a single agent so that other, greater natural desires for safety and property might be met. For Locke, violence and predation are only one characteristic of a generally more peace-loving state of nature. The law, created voluntarily by free individuals in a society, will seek to protect against predatory behavior. The difference between the two philosophers regarding the state of nature lies mostly in their views of social and cooperative behavior. Hobbes's state of nature views violent expropriation as a baseline behavior, while Locke sees it as aberrant. While Locke acknowledges the human capacity for violence, it is tempered by a sense of cooperation and common sentiment.

Hobbes also believed in a sovereign that, once established, is unimpeachable by its subjects, since they have renounced their rights to violence to the sovereign in its establishment.⁹ Locke rejected this and held that a sovereign is bound by a social contract that is drawn up by its subjects, which can be rejected or revised by those same subjects. Both, however, held that governance is rational, and that the social unit for consideration regarding the government's origin and legitimacy is the individual.

This view of state sovereignty confronts theoretical problems. This model of the state of nature can be criticized on these premises of individual rational agency and deliberation constituting the inception of polities. Both men use concepts that rely too heavily on conscious

⁹ Hobbes, *Leviathan* Ch. XIV p. 103-104

constructive action by individuals, whereas historically state apparatuses develop organically *prior* to the formation of a monopoly on violence.

In this paper I will do two things. First, I propose an alternative theory of the state of nature based on organic evolution from familial kinship structures and balances of power. Second, I propose and evaluate two types of political apparatus that emerge from the state of nature: a monopolistic, hierarchical *arborescent* sovereign state, and a distributed, *rhizomatic* state in which the capacity for violence is held in an equilibrium between balanced institutions. To elucidate an alternative theory of the state of nature, I will undertake an analysis of early political and social formations to assess the origins of their structures. Lastly, I will consider the manners in which these two types of polity vary in their cybernetic capacities.

Part 1: Defining Sovereignty and Political Power

In deliberating on different types of sovereign power, it is necessary to clarify first “political power”. Political power, in a word, is influence. A holder of political power can compel or deter action by individuals in a society. This power can be exercised through a variety of means, such as coercive force or threat thereof, personal charisma, and by the provision and collection of favors.

Political power, like energy, comes in kinetic and potential forms. If one has the power to compel someone through the use of force, then the circumstance in which the powerholder threatens or uses that force on the subject is a kinetic, *immediate* instance of power. The understanding that someone in the society could theoretically wield coercive power against a subject can itself be enough to compel action in keeping with the desires of the powerholder, making for stored or potential power.

Potential power can be made more lasting and potent by a variety of means. Immediate exercise of power can be taxing, inconvenient, and dangerous. A tax collector that has to physically extort money from taxpayer would likely collect less over a longer time period and would face physical danger in every instance of tax collection. The immediate exercise of power risks confrontation. In social organizations, power more effectively comes to collect and become permanent through *custom* and *contract*.

Customary social organizations form from the gradual legitimization of long-standing practices. Customary potential power generally comes about through repeated exercise of immediate power. A village elder that can mediate amicable resolutions to social conflicts on several occasions may find himself or herself looked to for more mediation in the future, and will find others to place more trust in his or her judgments. Those judgments will thus be more likely to be carried out. The elder thereby possesses a greater amount of power without a need to prove themselves first. He or she has become respected. Similarly, if a farmer is subjected for an extensive period of time to extortion of his or her grain by the same group of roving brigands, he or she may simply set aside a portion of the farm's surplus to be given over to the brigands whenever the brigands appear. This accomplishes the same end without the farmer facing an immediate threat of violence at every instance.

Contractual social arrangements come about when a group of people establishes a deliberative arrangement of power at the inception of a new social organization. This can be done through a charter, contract, compact, constitution or similar such means. This form of arrangement may allocate potential power to certain individuals or holders of certain offices, who in turn may exercise the functions of their personal station or office in accordance with the terms of the contract.

Hierarchies are stratified social organizations in which members of higher social levels exert power over lower social levels. Hierarchies are products of both customary and contractual social organizations. In the former, potential power becomes fossilized into certain individuals or classes, and in the latter it is delegated to these individuals or classes by the terms of the contract. Those higher in the social hierarchy will have certain privileges allocated to them, as well as the ability to exercise discipline over subordinates for failure or refusal to meet their obligations to those higher in the organization. In the case of a polity, this may be through corporal punishment or legal sanction, while in the case of a private corporation this may be through administrative action or termination.

Customary and contractual social organizations are not always completely exclusive boundaries; elements of the one can creep into the other. Customary arrangements may ultimately fall into cases of uncertainty such that it would be of benefit to institutionalize the nature of the social arrangement. Alternatively, even in a relatively formalized organizations, extra-contractual customs will seep in and affect the day-to-day operations as much or more than the original terms of the organization's contract.

In this paper, the definition of *sovereignty* reflects two conceptions: the Weberian conception of sovereignty as the monopoly on violence and the Schmittian view that sovereigns can overturn, alter, or act outside the bounds of established law or custom. *Complete or true sovereignty* consists of the ability to both alter the normal procedure of society and compel edicts with force. *Partial sovereignty* constitutes an arrangement in which the sovereign can exercise the authority to decide procedural alterations in a state but lacks the monopoly on the legitimate use of violence to enforce such alterations by its own means.

On the subject of sovereignty, I quote Max Weber:

Today, however, we have to say that a state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory. Note that ‘territory’ is one of the characteristics of the state. Specifically, at the present time, the right to use physical force is ascribed to other institutions or to individuals only to the extent to which the state permits it. The state is considered the sole source of the ‘right’ to use violence.¹⁰

For Weber, the defining feature of a state is the monopoly on legitimate use of violence. In this context he refers to a political community exerting force over the particular piece of territory it occupies.

Carl Schmitt famously opens his *Political Theology*, “Sovereign is he who decides the exception.”¹¹ By exception, Schmitt means the ability to make decisions outside of or in defiance of the normal procedure of day-to-day government. The sovereign is the one with the authority and means to suspend such operations, being the final arbiter of authority within the state.

The exception, which is not codified in the existing legal order, can at best be characterized as a case of extreme peril, a danger to the existence of the state, or the like. But it cannot be circumscribed factually and made to conform to a preformed law.¹²

Schmitt’s exception refers primarily to states of emergency, moments when extra-legal action can be taken by some entity to prevent catastrophe in a society. The sovereign decides when

¹⁰ Weber, *Politics as Vocation*, p. 2

¹¹ Schmitt, *Political Theology*, p. 5

¹² Schmitt, *Political Theology* p. 6

affairs have deteriorated enough that it is warranted to take the reins and break the current form of legal procedure.

Sometimes this form of sovereignty is permitted by the laws of the polity given certain conditions or permissions. This is what Schmitt calls a “commissary dictatorship,”¹³ such as the Roman office of an elected dictator given extra-legal powers in times of crisis, or the power of a U.S. president to declare states of emergency. Alternatively, the state of exception can be declared without legal authority to do so – what Schmitt calls a “sovereign dictatorship.”

Sovereign *legitimacy* subsists in much the same way as the legitimacy of all political and social institutions: in the perception of its subjects. Since power exerts influence, a sovereign must be the apex influencer in a society. To assert influence, the sovereign necessarily relies on intermediary hierarchical agents who obey and help to carry out its commands because they respect its potential power. Should the faith and will of those intermediary agents be lacking, and they choose not to carry out the commands of the sovereign, the state’s security and stability is weakened and potentially threatened. As social complexity increases, the ability of a single agent to exert influence without intermediaries decreases. No one ever rules alone, but only with the assent of a legion of intermediaries can the sovereign rest assured that authority remains secure.

I shall define a state (or polity) as an discrete sphere of political influence for a sovereign individual or institutional system. An arborescent state is delineated by that territory under the security of its sovereign, wherein the sovereign has the exclusive ability to extract rents in the form of taxes, where the sovereign is the chief provider of security and stability, and where the sovereign has exclusive right to draw exceptions to regular political procedures. A diffuse rhizomatic state is

¹³ Schmitt, *Dictatorship* p. 40

delineated by the influence of its various constituencies without violent conflict between them, to the exclusion of any sovereign or institution outside of the state's political ecosystem.

It bears mention that the exclusivity regarding the state's sphere of influence internally is often more fluid than meets the eye. The sphere of influence is frequently non-exclusive in practice. Foreign influence and meddling of one state in the affairs of another is a routine occurrence in international affairs and takes place by various means. A state can influence another from without, such as through threats of coercion, or from within, such as through cultivation of agents within that state. No state exists within a vacuum, and each relies to some extent upon the actions of other states for goods in the form of trade, security in the form of alliance, or otherwise. The populations and institutions in each state frequently undertake contacts of various sorts - commercial, intellectual, and otherwise. Furthermore, often states are subject to super-state entities or institutions that operate without being subjects of a state.

The international community continues to debate the question of what constitutes a sovereign state.¹⁴ For instance, what constitutes two independent states, a stronger state with a puppet state, or a single state with a subsidiary government? In such cases critical considerations include the recognition of other states and the ability of exclusive political power structures to exert violent control over territory and taxation within their realm. In the final accounting, a variety of factors contribute to a state's claim to sovereignty, including the recognition of the international community, the economic and military might of the state, its regional and global relationships, and the balance of power with its conflicting neighbors. In consideration of whether a state is sovereign or not, for the purposes of this paper is most important to consider whether a political body is the

¹⁴ Bunck and Fowler, *Law, Power and the Sovereign State*

chief holder of the monopoly on violence in its territory, and the chief authority in the deciding of exceptions.

Part 2: The State of Nature

In game theory, one's choices of decision are made by modeling those of other players in the "game" to maximize one's own utility while in a state of conflict or uncertainty with those other players. A "Nash equilibrium" is a model of comparative utility between the players, assuming each player has full knowledge of the options available to the others, as well as full knowledge of what options will maximize the utility of each. A "coordination game" is a game in which players will achieve higher overall utility by following the same strategy as another player. A "collective action problem" occurs when the actors in a game would attain better outcomes by coordinating, but face difficulties doing so because of conflicts amongst themselves.

In the Hobbesian view, people come into the world relatively equal in their capabilities. In this equality, everyone desires scarce goods and engages in conflict over those goods. People desire to maximize their personal pleasure, but because resources are finite, they engage in destructive activity that ultimately lowers the enjoyment of their goods through the sacrifice and destruction of these goods in conflict. In sum, war is natural and undesirable, a binding from which the individual should desire to escape because it worsens one's overall level of security and casts one into a painful and perpetual cycle of mutual destruction with all other people. A desire for "commodious living" demands peace,¹⁵ and in the state of nature the default is war. This creates a conflict between the desires of humanity and the position in which the species finds itself.

¹⁵ Hobbes, *Leviathan*, Ch. XIII p. 99

The Hobbesian state of nature is a collective action problem. We each desire to maximize our own personal pleasure, but as long as we are in competition with the other actors in the state of nature we cannot achieve full satisfaction of our desires. Using a very basic prisoner's dilemma model, we can stage an arbitrary example. Consider two actors existing in the Hobbesian state of nature; we may simply call these individuals A and B. A and B can choose either to cooperate, which in this instance would mean not engaging in violence and coming to some arrangement of non-violent property rights, or to defect, engaging in coercive actions to secure property at the expense of the other agent. The values in the table below represent the units of utility for each of the two actors, with actor A's utility being first and actor B's utility being second, with higher value representing higher utility.¹⁶

	A Cooperates	A Defects
B Cooperates	20, 20	15, 5
B Defects	5, 15	10, 10

The utility-maximizing strategy for each of the two actors in this scenario would be to cooperate. Both A and B would attain higher levels of satisfaction by not engaging in conflict and using the state of peace to accumulate their property and, therefore, raise their utilities. However, with imperfect information as to the behavior of the other actor, there is an incentive for them to defect in protection of their own interests. In the case that one actor defects while the other cooperates, the actor that defects has significantly higher utility than the cooperator. The defector receives the value from the predation of the other's goods, while the cooperator suffers from the

¹⁶ The proportions of the related figure are not necessarily proportional to the real measure of satisfaction for each of these positions, but is instead intended only to illustrate the *relative* utility of each field for each actor.

loss of those goods. In the final scenario, in which both actors defect, they are each ultimately worse off than had they both cooperated, as their accumulated goods were wasted or destroyed in the conflict with the other party, but neither is as poor as had he or she naively cooperated while the other actor seized his or her possessions. It is a vicious situation, as both A and B must live in perpetual fear that the other will choose to defect, and so must defect themselves to avoid the worst option.

The role of the sovereign is to force both actors into the first box in which they have their utility maximized. If there is some external force that compels cooperation, then both A and B will not be in the position where they have to guess the other side's willingness to defect. In fact, the sovereign will levy a punishment on the actor that tries to defect. We could model this situation like so:

	A Cooperates	A Defects
B Cooperates	17, 17	5, 17
B Defects	17, 5	5, 5

In this case, the sovereign extracts some amount regularly from both actors so that each has less than had they been able to cooperate purely by themselves. However, each has more than he or she would have had in the first scenario even if the one had been able to steal the goods of the other or been deadlocked in violent competition. Thus, ultimately each is better served by the presence of the sovereign. Now, if one actor defects, his or her goods will be confiscated by the sovereign, and the defecting actor will now be the one deprived of property. The incentive for deferring to a sovereign is clear, as the destructive conflict is prohibited by an external force, enabling each parties to prosper without concern for the defection of the other party. The thing to

fear becomes the sovereign punishing one for defection, rather than predation from the other actor.

The Hobbesian state of nature offers a model of a collective action problem in which the whole of humanity is trapped. Without some means of coordinating past the suboptimal Nash equilibria in the state of nature, the species is doomed to endless cycles of self-destructive privation. Hobbes posits centralized power in the sovereign as the conclusion to this collective action problem, though he did not posit it in this fashion: “Hereby it is manifest, that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war is of every man against every man.”¹⁷

To escape the condition of perpetual conflict, individuals must create a “common power” that is strong enough to “hold the awe” of enough people such that they will cease their conflict. Hobbes argued that the multitude must choose a sovereign with unlimited power that would require individuals to completely surrender their ability to conduct violence. This is because, under Hobbes’ conception of sovereignty, contracts are worthless without the signatories already having submitted their rights and abilities to engage in violence. Without a sovereign to enforce the upholding of contracts, no coordination mechanism has the strength to prevent Agent A from losing utility as a result of Agent B’s defection in the prisoner’s dilemma of the state of nature. Ultimately, this act of submission to a sovereign increases the freedom of the multitude, as it permits growths in utility that would be impossible while living in a state of nature. Once in submission to a sovereign “commonwealth,” the individuals thereunder cannot rightfully cast down

¹⁷ Hobbes, *Leviathan* Ch. XIII p. 97

that commonwealth of their own volition, and are bound to it for life under pain of punishment by its sovereign.

Hobbes's theory of sovereignty implies that customary sovereignty, or any customary form of government or social organization, cannot be created without individuals in the society first deciding on a sovereign. Prior to the sovereign, there exists only the individual, more or less equal in ability with all others and incapable of securing coordination that might allow one to live peaceably for any length of time.

The central weakness of this model is that it poses another coordination problem: that of common submission to a sovereign in the first place. In the Hobbesian state of nature, the starting point is individuals equally capable in ability trapped in a permanent state of violence. Hobbesian sovereigns can come in two forms: they can be selected by rational actors as a solution to the problem of violent defection (commonwealth by institution), or they can impose themselves by force (commonwealth by acquisition). In the case of the former, some natural "focal point"¹⁸ figure must exist such that the conflicting agents can agree upon as a sovereign, and the latter case is reliant on the conditions of the former having been met elsewhere for there to be a sovereign present to impose itself. Since for Hobbes all agents are in a state of relative equality, such a focal point does not exist, and agreeing on a sovereign is scarcely any simpler a task than their ceasing their mutual violence of their own accord.

¹⁸ In game theory, a focal or Schelling point is an obvious default that agents can select in the absence of communicative coordination with each other in selecting their choices during a collective action problem. For instance: assume that Agent A and Agent B are told that if they both select the same button, they will be freed from a prison cell. In each agent's cell, there are four buttons: three blue buttons and one red one. Since the red button is the stand-out option, it is the one both should press because it is the one that both agents can distinguish. It is the focal point, the option that every actor can notice and think of as an obvious solution to the collective action problem.

The Lockean social contract theory presumes cooperation is a possibility from the outset. Since rational agents are capable of coordinating themselves in this model, instead of submitting themselves to a single sovereign with absolute power over them, they can set terms for a social contract that will mediate conflicts for them in a nonviolent manner, deferring some necessary uses of force to deter predation.¹⁹ Violent predation is an abnormality here, unlike in Hobbes' state of nature, but it is a common enough possibility that states must be established to prevent it.

Both models pose questions regarding their reliance on individual agency as the wellspring of state power. Hobbes' relies on a virtually equal collective action problem for the conditions he has laid out, and Locke's steps over the difficulty of this collective action problem by assuming that coordination is simply the natural state. The main fault in both models lies in the need for conscious collective action towards the establishment of states with no clear mechanism for that coordination to occur.

This elaboration of sovereignty from the state of nature is misleading because of its order of priority. While this implies that societies come into being either by decision upon a sovereign mediator or submission to a society that has already done so, it is demonstrable that societies have frequently come into existence without such institution or acquisition having occurred. The prime issue is the focus on the individual as the fundamental social unit, and the Hobbesian model's lack of a coordination mechanism capable of overcoming the suboptimal Nash equilibria of the state of nature, except a mutually and rationally agreed upon monopolist of violent force.

Part 3: State Formation and Emergence

¹⁹ Locke, *Second Treatise*, Ch. 3. p. 8, § 20

We have established that the state of nature is a collective action problem, and now must focus on how this problem is overcome by nascent polities. Hobbes and Locke proposed that social structures, and polities in particular, are artificial constructs, with rational individuals creating contracts and submitting to sovereigns to secure their own interests. I argue that basic social structures are emergent, rather than constructed.

Hobbes proposed that the state of nature is a war of all against all, bridged only by force. Locke proposed that the state of nature consists of individuals acting in concert and guided by natural law for defense of their natural rights. Locke attempted to bridge the collective action of the Hobbesian state of nature with claims of natural right and common sentiment, but this more steps over than grasps the difficulties in coordination within the state of nature, in which no one's cooperation is assured and one always has an incentive for defection.

I propose instead that familial connections can move past the collective action problem in creating societies because they are a natural form of comity. Kinship is a focal point. To do this, I will propose an emergent model of state formation based on kinship groups to create a peaceful state of social equilibrium that gradually develops social technologies as new conditions are encountered. We begin to see early states forming from this early milieu in two forms, either maintaining a diffuse equilibrium for ensuring social order, or developing centralized power structures to enforce social order.

“Emergence” is a systems theory term used to refer to a self-organizing system exhibiting characteristics not reducible to that system's individual component parts. Emergence has general application in fields varying from evolutionary biology to technological and social development.²⁰ In

²⁰ Corning (2002), p. 2

this context, I use the term to refer to social structures. An emergent social structure denotes an organically formed whole that is separable and acts distinctly from its constituent parts. A society can be distinguished as an emergent, gestalt structure composed of some number of individual human agents while acting in a manner not reducible to those individuals that compose it. An emergent structure is self-coordinated, the result of circumstantial development and not deliberative action by its members. I propose that this is how societies are produced out of the state of nature, as opposed to Hobbes' and Locke's constructivist views.

“Kin selection” is a theory posited by biologist W.D. Hamilton in the form of “inclusive fitness” to explain altruism in the human species. Hamilton, operating from the point of view of the gene, proposes a model of inclusive fitness whereby an individual benefits in terms of natural selection by caring for the offspring of one's neighbors. Since an individual's family will be at a higher likelihood of carrying genes that the individual possesses, one increases the likelihood of that gene passing on through the offspring of others, as opposed to themselves.²¹ Thus individuals have a drive towards pro-social behavior driven by evolutionary causes that doesn't appear immediately to be rational. The result is more pro-social behavior towards individuals proportionate to their degree of relation to the individual in question. The term “kin selection,” coined soon after by John Maynard Smith in a 1964 paper, describes “the evolution of characteristics which favor the survival of close relatives of the affected individual, by processes which do not require any discontinuities in the population breeding structure.”²²²³

²¹ Hamilton (1963), p. 2, 8

²² Smith (1964), p. 1145-1187

²³ The kin selection theory has been challenged within sociobiology with the theory of eusociality, whereby genes and culture co-evolve to produce pro-social behavior in humans. Since treading through the internal conflicts of sociobiology is outside the scope of this paper, and the consequences of eusocial behavior, if it is indeed the more accurate model of human behavior, this would do nothing to alter the purpose of including this reference to base a critique of the “war of all against all” state of nature, I will not digress on a comparison of these two views.

Kin selection offers an emergent alternative to the Hobbesian state of nature. Pro-social behavior is a natural product of kin selection. In this model, we have incentives to avoid violence or injury to our relatives. These relatives then become a natural social unit in the struggle for survival and wellbeing who can be relied on because they have a stake in each other's wellbeing. This structure of kin-relations becomes a social base that is widely historically instantiated.

An old Arab Bedouin proverb runs thus: "I am against my brother, my brother and I are against my cousin, my cousin and I are against the world."²⁴ This short aphorism captures quite powerfully the human condition in the state of nature when accounting for familial pro-sociality. Especially in nomadic societies, tribalism has long been a pervasive institution, in some cases even unto the present day.

Arab tribal customs offer an interesting example, especially because the Bedouin tribal tradition is one that remains extant. Bedouin tribes historically operated on a form of customary law regarding kinship relations. Arabic tribes descend from one of two mythical ancestors, Adnan and Qahtan, with social comity between individuals measured by nearness of their lineage.²⁵ Law was entirely customary, and vengeance was not only the first resort in any dispute, but a religious duty.²⁶ Broader social powers could come about through arbitration, or *takhim*, as a means of fixing a set compensation for disputes or offenses. Both parties in a dispute would choose a *hakam*, or arbitrator, who would be selected for being "an outstanding man of honor, uprightness, loyalty, prestige, seniority, glory, and divination."²⁷ In addition, tribes could select chieftains to lead them during periods of hardship through either tacit consent or explicit choice, and while the

²⁴ Marx (1978), p. 59

²⁵ Parolin (2009), p. 29-30

²⁶ Parolin (2009), p. 36-37

²⁷ Parolin (2009), p. 38

power of chiefs would wane after the threat diminished, they would retain much higher social prestige and standing, giving them more primacy.²⁸

Tribal social bonds are strong and can carry outside the bounds in which they had initially developed. For instance, feuds and blood money were common forms of customarily accepted use of violence in Germanic tribal societies. Gothic, Frankish, and Anglo-Saxon tribes had parallel legal systems for their own peoples separable from the Roman Law which applied to non-tribal subjects. The power of the king was of limited influence over the tribe because of traditional customs relating to the rights of the tribe's members. In Visigothic Spain, for instance, a unified law code applying to all subjects regardless of tribal status was not imposed until 654 by King Recceswinth.²⁹

These examples illustrate a picture of early social development. In most tribal societies, and especially in nomadic ones, family provides the basis on which social structures form, and sovereign power is weak in form and consists primarily in the ability to mediate disputes between tribes and individuals. No monopoly on violence existed, and social harmony instead relied on informal general understandings and binding obligations for retribution when norms were violated.

Kinship dynamics are seen at work in the foundation of settled urban societies, as well. For instance, the Roman *gens* system of tribal classification was one of the pillars of the early Roman state. Tribe served as a critical identifier of social status, a signifier of long-standing citizenship, and during the early Republic determined membership in the patrician class. Members of certain lineages could bear the responsibility for certain public cults and could undertake self-directed political and military actions, such as the battle between the Fabii and the Veientes at the Battle of

²⁸ Parolin (2009), p. 38-39

²⁹ King (1972), 16-18

the Cremera. At the foundation stones of the Roman Republic were the distinctions of tribe, at the time the city's most potent political and social force.³⁰ This case serves as a prime example of how complex urban civilizations emerge from the state of nature: Roman Republicanism could survive without monarchs because lineage served as a political focal point, creating social stability by concentrating power in the hands of certain lineages by custom.

Similarly, Ancient Greece rested on the heterogenous φυλή, or *phyle* system. *Phylai* generally denoted a tribal system, and more broadly a system of social organization based on lineage or geography. Two sets of tribes gained particular fame: the Dorians, which consisted of the Hylleis, Dymanes, and Pamphyloi and centered most famously in Crete and Spartan Lakonia, and the Ionians, which consisted of the tribes Geleontes, Hopletes, Argadeis, Aigikoreis, Oinopeis, and Boreis, and spanned across the Attic lands concentrated in Athens, several Aegean islands, and Ionia proper in western Anatolia. Other areas made use of different divisions, such as Thessaly's *phratries* or the *mere* of Boeotia. Such groupings frequently differed in social role depending on the *polis* and region, but they shared the concept of political distinctions drawn from mythical ancestors and ties of lineage.³¹ The *phratries* were explicitly based on the Indo-European root word for "brother" and generally ended in a patronymic, *-idai*.³²

With time, it seems that in parts of Greece the hereditary nature of the tribal system began to deteriorate as artificial forms of social contracts were imposed or agreed upon to address problems of internecine feuding. In Athens, this prominently took shape in the reforms of Cleisthenes who kept the four names of the Athenian *phylai* but further divided the city up into 139 *demoi*, grouped into 30 *trittyes*. This resulted in the disintegration of the power of the old

³⁰ Hornblower, Spawforth, and Eidinow (2012), p. 610 *gens*

³¹ Hornblower, Spawforth, and Eidinow (2012), p. 1144 *phylai*

³² Hornblower, Spawforth, and Eidinow (2012), p. 1141 *phratries*

tribal patronage system, and the consolidation of power into the Alcmaeonid clan.³³ In general, few states continued with their traditional tribal political forms into and beyond the Greek Classical Era.³⁴

Ecosystems of states and tribes form out balances of power between federations and city-states, leading to an informal set of international norms and competitive practices spurring forth common social development. One example of this is Ancient Greece with its networks of city states, as described above.

Another, more distant “political ecology” is that of pre-Columbian Mesoamerica. Anahuac, as the Aztecs referred to their sphere of influence, was divided into a number of different *altepetl* city states, with minimal central organization. The Aztec Triple Alliance had its core in three cities in the valley of Mexico: Tenochtitlan, Tezcoco³⁵, and Tlacopan. Influence was spread through the exacting of tribute, and the placement of pliant rulers on the thrones of neighboring altepetls, with central governance something very limited. A stable balance of power was kept between different altepetls because of the ritualized system of warfare – war was undertaken primarily for the taking of captives, and a system of “flower war” where two states would undertake a limited conflict so that each could acquire sacrifices to the gods became common. For instance, when king Montezuma of Tenochtitlan was asked “why he had suffered the republic of Tlascalala to maintain her independence on his borders,” he replied, “That she might furnish him with victims for his gods!”³⁶

³³ Hornblower, Spawforth, and Eidinow (2012), p. 330 *Cleisthenes*

³⁴ Hornblower, Spawforth, and Eidinow (2012), p. 1144 *phylai*

³⁵ Or Texcoco, Tetzoco, etc.

³⁶ Prescott (1843), p. 33

This illustrates how polities developed systems of norms for dealing with each other. In the Mediterranean, for instance, the Romans recognized a *jus gentium* in consideration of what actions with respect to other states were proper.³⁷ Customary regulations for violent actions would thus develop at the meeting of unrelated groups to settle issues of conflict, rather than such conflicts persisting entirely unregulated. That “commonwealths by acquisition” still emerged from conquest frequently is demonstrable that these rules were capable of *preventing* conflict, but instead served as some baseline regulations of them. The Romans, in each of their conquests, would phrase their military actions in self-defense, either of themselves or some ally of theirs, such as the beginning of the Punic Wars by the Roman intervention on behalf of the Mamertines in Sicily, or Caesar’s moving into Gaul after first goading the Helvetii into an attack on the Romans. Conflict still required justification, and self-defense was normatively acceptable.

The interaction between tribal nomadic societies and settled states is an interesting one, especially when settled civilizations find themselves in crisis. These cases often exhibit Hobbes’ commonwealth by acquisition, either by the settled post-tribal society on the tribal by assimilation or subjugation, or by a tribe’s on the settled by a takeover of the monopoly on violence of the settled society by the tribes.

This is illustrated by numerous examples: settled Rome absorbed Spain, Gaul, and Britain and established permanent government with urban centers. In the fifth and sixth centuries Visigoths, Franks, Angles, Saxons, and Jutes established control over these very same territories and asserted their control over them, permitting local state infrastructure to continue to run as central imperial authority lost capability to assert control or provide resources to these areas. In the Middle East, successive waves of Turkic migrations resulted in the effective takeover of the

³⁷ Hornblower, Spawforth, and Eidinow (2012), p. 768 *ius gentium*

Abbasid state apparatus by the Seljuk Turks. In India, such takeovers of local state structures by outside migrators occurred in the thirteenth century by the Ghorids and then by the successor Delhi Sultanate, as well as by the Mughals in the sixteenth and seventeenth centuries. In China takeovers of the state apparatus happened numerous times and in various regions, such as by the Khitan Liao Dynasty in the twelfth century, the Mongols and their Yuan Dynasty in the thirteenth and fourteenth centuries, and by Manchurian Jurchens with the Jin Dynasty in the twelfth century and the Qing Dynasty in the seventeenth century. In some cases where the old political apparatus is not adopted wholesale, a conquering people may end up having to approximate it or become influenced by it anyway, such as with the Arab adoption of Persian governance practices following the Islamic conquests.³⁸

In general, the pattern we notice is one in which kinship groups form emergent social structures based on mediation and balances of power. These structures become unstable with time because of their informal nature, and either stricter rules are codified, or sovereigns claim a monopoly on power to restore or create order in the society. As time passes on, and this new institutional order ensconces itself above the prior tribal distinctions, those distinctions fade from the general social consciousness and cease to be the primary markers of political and social identity. The society becomes able to assimilate new members from outside the original tribal groups, and power can become more fluid. Early states come about not from a social contract agreed between conscious and self-interested agents, but from emergent self-organization. Sovereignty and social contracts are social technologies that emerge *after* some social equilibrium is established, either to make that social equilibrium permanent or to alter the balance of power in favor or disfavor of the status of some group or institution under the status quo.

³⁸ Gillani and Tahir (2014), p. 566

Sometimes sovereignties form with a single monopolist on violence, either from conquest or social consolidation. Sometimes states form without sovereigns, by perpetuating customary social arrangements or by the creation of constitutions and social contracts. We will examine these different models of social organization in the next section of this paper.

Part 4: Two Types of Political Order

Thus far, we have established that early political orders tend to be emergent rather than constructed by rational agents. In some of these political orders, sovereignty, defined in this instance as a monopoly on violence and the ability to decide exceptions, may or may not form. Full sovereignty is instead a social technology that comes into place to maintain or secure political order in places where it is incomplete or insecure, but it is not a pre-requisite for a political system. We have observed numerous historical situations in which polities have been formed without necessarily having a sovereign at the top, with power instead being dispersed in a multiplicity of balanced holders. In this portion of the paper, I will elaborate on the differences between these sovereign and dispersed political structures.

“Cybernetics” is a systems theory term referring to structures of control. Literally, the term means “to steer”.³⁹ In terms of political power, cybernetics refers to the ability to exert control on a political system and alter its course through the exercise of political influence. A sovereign can contain both a monopoly on the use of legitimate force and be the decider of exceptions while still lacking true cybernetic control to steer the ship of state. For instance, during the French *ancien regime* of the pre-Revolutionary era, officially an absolute monarchy, the king’s efforts to reform

³⁹ Gage (2007) p. 15

the country's systems repeatedly encountered resistance from the local aristocratic *parlements* in the country's provinces. The king and his ministers tried variously to dismiss local *parlements* so that the central government could enforce taxes and financial regulations, but were forced to back down by concerted resistance. Meanwhile the French revolutionary National Constituent Assembly, while officially not possessing the same unitary powers as the French monarchy, dismissed the *parlements* without concern. The state of sovereign exception to prior-established protocols gave the revolutionary regime greater cybernetic inputs on the institutions of France, permitting them to steer the state more effectively and efficiently than the monarchy.

French philosophers Gilles Deleuze and Felix Guattari developed two models of organization in their work *A Thousand Plateaus* that correspond to the two types of sovereignty I have described. They describe the first of these, the “arborescent,” as hierarchical networks with central cybernetic control. This form of organization is much like a tree (the “arbor” in arborescent), possessing a single stem from which each of its branches grow. This model of organization features one monolithic center from which all its appendages extend.

This highly centralized arborescent model resembles Hobbes's *Leviathan*, and the completely sovereign entity described therein. They are not identical, however. A European medieval feudal monarchy was an arborescent system because patronage flowed down from the monarch to his or her vassals. However, the monarch did not possess a monopoly on violence, and the power of the monarch to declare exceptions was weak. The feudal king or queen is not a sovereign by our definition here or by the Hobbesian description, since their vassals could wage conflicts with each other on a number of pretexts and the monarch did not have the customary power or physical force to intervene in many cases.

Deleuze and Guattari's other mode of organization is that of the "rhizome," a nonlinear collection of root nodules connecting to any other node in the system: "...unlike trees or their roots, the rhizome connects any point to any other point."⁴⁰ This diffused and decentralized system consists of a network of nonhierarchical institutions that exert influence over each other and maintain an equilibrium of power that helps to ensure the stability of the political and social system. As such this model presents a complex and interwoven mesh of influence. Meanwhile, in a Hobbesian-styled sovereign arborescent system, the sovereign maintains central downward cybernetic control over all of society. In this more diffuse system, a multiplicity of arrangements and power dynamics play off one another in such a way as to ensure order without a central control mechanism.

This is not to say that in a rhizomatic political system *no* control mechanisms exist. In order for systems to have stability, a constant and transparent domestic balance of power must function so that no entity within the system is capable or willing to overturn the system for its own benefit. Likewise, this distribution of power must provide for a coordination mechanism that ensures parts of the systems do not choose to defect, in game theoretic terms. These mechanisms, such as religious institutions or judicial bodies, can contain their own internal arborescent hierarchies.

Most political systems are hybrids of these two organizational structures. All supposedly hierarchical systems contain competing internal power blocs and places where central control is weak or absent. More rhizomatic systems still contain internal blocs that maintain discipline for the sake of their own interest groups as well as hierarchies between blocs with different groups containing greater or lesser powers than others, power over other groups, and influence on groups

⁴⁰ *A Thousand Plateaus*, p.21

parallel in the status hierarchy. The only purely rhizomatic state is complete anarchy, but as has been discussed, this is not a state humanity is naturally disposed towards. Complete severance from social organization is rare enough as to be almost unheard of. There is always the kinship group that serves as a baseline form of social organization.

This said, certain political schemata are hierarchical to greater or lesser degrees than others. Emergent political systems such as tribes often exhibit more rhizomatic structures. Violence in such systems is not monopolized, for even figures such as kings frequently act as mediators rather than possessors of monopoly power within the society, not able to make binding injunctions or unilaterally declare or abjure laws. Feuding between clans remains a legitimate form of exercise of violence, which the chiefs and leaders of the tribes will frequently lack customary power or physical force sufficient to suppress. A similar dynamic can be observed in early European feudal societies, in which landed nobility possessed the right to wage war with each other in certain types of disputes and in certain localities, and personal disputes between nobles could be settled by duels.

In many cases, centralized state power emerges to quell these rights to violent dispute in order to better preserve the general welfare of the society once sufficient social capital has been accumulated to permit a polity to do this. New artificial structures emerge to better solve the issues of social order than the customary system had done. Arborescent political structures can become a necessity to solve the coordination problems between tribal groups in customary societies that prohibit the growth of general welfare similarly to a true war of all against all.

We also observe differences in the ways that rhizomatic and arborescent political systems act internationally. A salient historical example is provided by contrast between the influence of Athens and its Delian League and the arborescent imperial systems of the Persians or the

Macedonians. The latter states waged directed campaigns of conquest under command from their central leadership, while the Athenian-centered Delian League began as a defensive alliance against Persian encroachment, and gradually extended its influence through commercial pacts and interventions.⁴¹ While arborescent structures engage in deliberative wars to create monolithic states, rhizomatic ones work to extend their influence networks.

Strong arborescent structures are cybernetic – that is, they are control structures, and can be steered. Their organization permits a single figure or body to exert control over its appendages, as that body is the source of power in the system. All patronage flows and is directed from the top. Monopolies on violence are inherently arborescent, as unchallenged violent force offers a political veto that bears no disputation. This, as Hobbes notes, is entirely the point of sovereign power:

And consequently they that have already instituted a commonwealth, being thereby bound by covenant to own the actions and judgments of one, cannot lawfully make a new covenant, amongst themselves, to be obedient to any other, in anything whatsoever, without his permission. And therefore, they that are subjects to a monarch cannot without his leave cast off the monarchy, and return to the confusion of a disunited multitude...⁴²

If sovereignty were able to be revoked at a whim, the consequence would be a reversion to a state of violent and destructive conflict. In many cases it is advantageous for the general welfare to submit the right to participate in violence to a sovereign authority, but generally such authority is imposed by conquest or revolution or some other form of seizure of power, labelled by Hobbes as commonwealth by acquisition.

⁴¹ ⁴¹ Hornblower, Spawforth, and Eidinow (2012), p. 425-426 *Delian League*

⁴² Hobbes, *Leviathan* Ch. XVIII p. 136

Customary sovereigns can exist, but they rule as commissary dictators, to use Schmitt's turn of phrase. The bounds of customary or legal protocol limit the power of the sovereign, unless that sovereign rules in breach of those protocols, in which case it becomes a sovereign dictator. In the Roman Republic, the position of dictator was created as a commissary position to be endowed with emergency powers by the Senate until his term of office ended, in which case he would renounce his *imperium*⁴³ and turn his forces back over to the consuls and the Senate. In the late Roman Republic, the commissary institution of dictator broke down as dictators overstepped their customary mandates and seized sovereign control. Lucius Cornelius Sulla first established this sovereign dictatorship, and forced reforms on the system of political patronage and Senatorial advancement in a break with prior precedent. Gaius Julius Caesar seized power in a similar manner, and forced his own package of reforms and policies on the Republic.⁴⁴

By this point, the fact that the dictator that held the reins over the Senate and not the Senate over the dictator could not have been in serious dispute. The dictator held monopoly on legitimate use of force, as the legions obeyed his orders by virtue of his own *imperium*, and not because of that he was granted. This enabled the dictator to declare exceptions to normal protocols of state, and exert cybernetic control over it. Customary power gave way to sovereign authority not by rational grant, but by force. In the case of Caesar, and then ultimately Octavian, this was accepted because their seizure of sovereign authority enabled exactly the sorts of increases in general welfare that Hobbes would expect it to, as civil conflict for control of resources and state power diminished.

⁴³ A Roman concept of supreme authority in a community, held by political leaders and military commanders with their offices. (Hornblower, Spawforth, and Eidenow, p. 730)

⁴⁴ Schmitt *Dictatorship* p. 40

As discussed, rhizomatic polities often originate in customary evolution out of kinship dynamics in the state of nature. This mechanism is far from exclusive, however, and rhizomatic orders can also be formed by deliberate construction once a sufficient level of social complexity exists. Some political thinkers in the Enlightenment era, namely Locke and Montesquieu, held separation and balance of political institutions to be a preserver of liberty, and thus a desirable political state. Locke divided government into legislative, executive, and federative powers, with the legislative being the highest branch, since it possesses the “right to direct how the force of the commonwealth shall be employed for preserving the community and the members of it.”⁴⁵

While this bears some resemblance to the right of exception we have considered, Locke effectively rejects right of exception on the part of the executive, since the right to alter the ship of state lies only in the legislative body, not an extra-legal power. However, exception can be declared by the populace in abrogating their social contract in self-defense. The executive power exists to affect the protocols of state established by the legislative power. The federative power, the power to conduct interstate diplomacy, has its functions completed by the same organ as the executive power.⁴⁶ Locke further extrapolates a “natural” power, which all citizens possess before having entered into a polity.

The form of separation of powers ultimately used by the Constitution of the United States derives from that proposed by Montesquieu. It consists of legislative, executive, and judicial powers.⁴⁷ Legislative power here operates similarly to how it does for Locke, the power which makes, amends, and dismisses laws and protocols of state. The executive corresponds roughly to Locke’s federative power, undertaking military and diplomatic responsibilities in keeping with the

⁴⁵ Locke, *Second Treatise*, Ch. 12, p. 46, § 143

⁴⁶ Locke, *Second Treatise*, Ch. 12 p. 47 § 147

⁴⁷ Montesquieu (1748), p. 173

guidelines set by the legislative authority. The judicial branch handles mediation of disputes and punishment of criminals with binding resolutions. Under this schema, all three bodies remain separate so as to prevent overstepping of the authorities of each power. “There would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.”⁴⁸

These views of distributive sovereignty necessarily rely upon independent institutions for the conducting of these powers. For the reasons described prior, this form of polity cannot arise from the state of nature, because ability to overcome the conflict patterns of kin-based societies needs to be developed first. Nonetheless, they possess rhizomatic organization, and are constructed in such a way that they might preserve general welfare not just from the predations of internecine feuding, but also from an unshackled unitary sovereign.

Such systems are vulnerable, however, to usurpations by the power which decides exceptions. In the case of Locke, no space in government has been set aside for states of emergency, as the executive power possesses an unofficial ability to override legislative authority through its capacity as executor. In Montesquieu’s *The Spirit of the Laws*, no room exists for the creation of sovereign exceptions either. In the way that separation of powers was instantiated in the United States Constitution, the power to decide exceptions is split between the executive and the judicial branches of government, with the Supreme Court having the capacity to review and overturn acts of the legislature, and the president possessing the power to declare states of emergency and assume commissary dictatorial authority in a given place and time.

⁴⁸ Montesquieu (1748) p. 173-174

The United States offers an interesting and illustrative model. Alexis de Tocqueville described a form of government proceeding from the conditions of the material circumstances and social structures of the colonies in America existing prior to American independence. He argues that U.S. institutions and government are the natural growth of these Anglo-American colonial governance structures, reformed and unified by the War of Independence and the Constitution. For Tocqueville, this colonial history is more salient for consideration on the nature of American government than the “Founding” during the American revolutionary period.

Tocqueville remarks on two foundation stones upon which the U.S. was built: one in the north in Puritan Massachusetts, and another in the south in Virginia.⁴⁹ This combination imbued the United States at its inception with two rival political networks. Both can be regarded as rhizomatic in nature, with Puritan New England possessing a communitarian government by charter, while Virginia resembled more an aristocratic republic through the House of Burgesses. Both, of course, remained subject to the British crown prior to independence, maintaining an arborescent super-structure with uniquely minimal *de facto* capabilities to declare legal and customary exceptions. The American colonies possessed uniquely independent structures⁵⁰ which served as the bedrock for the nation to come. The two different rhizomatic networks would ultimately gird the bipartisan political dichotomy in the United States once independence was achieved, persisting certainly up to the Reconstruction Period, possibly through the Civil Rights era, and arguably to the present day.

Locke and Montesquieu’s views of separation of powers, and their instantiation in the U.S. Constitution, provide a rhizomatic form of government that attempts to bypass the need for a

⁴⁹ Tocqueville, 46-48

⁵⁰ Tocqueville, p. 53

sovereign by splitting the different duties of a sovereign (mediation, lawmaking, governance, and so forth) into different, competitive governing bodies. The United States is sovereign in an international law sense, but no single institution holds a monopoly on violence.

Instead, in the United States, an abstracted collection of institutions in the form of the federal government holds the monopoly on violence, while the power to decide exceptions is split between the Supreme Court and presidency. Cybernetic power to steer the ship of state is occasionally concentrated by rare presidencies or Supreme Courts, such as the state of emergency martial law and effective commissary dictatorship of Abraham Lincoln, the expansion of the federal government under Franklin Roosevelt, or the large shifts in jurisprudence that occurred during the tenure of the Warren Court. However, in general, sovereign cybernetic control in the United States is restricted by design. This leaves the direction of the country more or less at the whim of the rhizome of institutions that compose policy, inclusive both of the official, constitutionally defined and ordained legislative organs as well as the myriad of academic, non-profit, and other “non-governmental” organizations that are inputs to the policy-making process. Each of these organs has power by its participation in this process, and the structures of the U.S. government discourage centralized control.

In some cases, sovereignty can devolve through reform or loss of power into a rhizomatic system. In the Venetian Republic, for instance, initially the Doge ruled as sovereign, until his power was gradually distributed away over the centuries. The Doge ruled as an autocrat up until he was forced to sign the *promissione ducale* on election, thereafter sharing power with the Grand Council of nobility. Further responsibilities of government were later delegated to the Signoria in 1223 and then dispersed further onto additional councils of state and inquisitors over the

succeeding centuries.⁵¹ The Venetian Republic's long history provides a prime example of how arborescent rule can transition to rhizomatic governance: institutions beneath the sovereign expand or acquire additional powers until the sovereign can no longer effectively declare exceptions except by the consent of these institutions.

The moments of maximal cybernetic power are at the inception of a new regime – whether at the foundation of a new state or during a revolution. During these moments, customary or legal procedure is completely ruptured, permitting a total restructuring by the new sovereign entity. These ruptures compose forms of the sovereign exception described by Schmitt.⁵² Arborescent structures with unitary authorities possess stronger cybernetic power than rhizomatic structures as a matter of course, because they can affect the entire social system with their power rather than only portions of it. Altering affairs in rhizomatic social and political structures is more challenging, requiring cybernetic inputs over a wide span of institutions or impressive levels of coordination.

Arborescent states vary in the potential of their cybernetic control as well. The feudal monarchies that evolved from the Germanic usurpation of Roman imperial administration were weaker, as they had to abide by the customs of their tribe regarding the power of the king, and they had to weigh the power of other institutions such as the church in their governance.

In the case of modern sovereign dictatorships, a strong degree of difference exists in cybernetic potential as well. Compare, for instance, the difference in state capacity between the People's Republic of China and the Russian Federation in the last quarter century. Both of these systems are arborescent states with a sovereign head. However, in Russia, the president has restricted ability to fundamentally alter the nature of the state's institutional makeup, despite having

⁵¹ Benigni (1912)

⁵² Schmitt, *Political Theology*, p. 5

each of these institutions loyal to his personal faction. The “silovik” clique at the head of the Russian Federation⁵³ constitutes an informal political class operating on pre-established constitutional political forms. In China, the sovereign can affect widespread change at each layer of society, purging corruption and disloyalty and altering the national unifying ideology. This is because the Communist Party cadre system is more cybernetically efficient than the informal patronage structure undergirding the contemporary Russian Federation’s political machinery. Through the party cadres, the top has a direct line of control to the intermediary levels of society beneath it, as well as into institutions not officially part of the state such as private corporations through the mandatory inclusion of party members.

From these surveys, we can observe a number of differences between arborescent and rhizomatic political systems. First, arborescent systems have clearly identifiable sovereigns, whose ability to use violent force gives them greater cybernetic potential power over their societies. This power is diluted the more they depend on the assent of rhizomatic structures in their governance. Rhizomes are difficult to govern cybernetically, and instead function as ecosystems. The direction of rhizomatic political structures is driven more by coordination mechanisms, such as fashions and “trendsetting” institutions, especially powerful information institutions. Rhizomes may (and will almost always) contain arborescent sub-structures with their own organizational prerogatives, which operate within the conditions of their rhizomatic environment. Rhizomatic political structures may have documents such as constitutions laying out their official makeup but will consist of both official and unofficial organs, as patronage structures build up through both channels.

The “international community” as a whole can be considered a rhizome containing sub-sections of states having their own arborescent structures, as well as a lattice of multinational

⁵³ Illarionov (2009)

institutions. These include blocs such as the European Union or ASEAN (each with their own structures of patronage, control, and authority), international governance institutions such as the United Nations and International Criminal Court, and non-governmental institutions such as philanthropic and advocacy foundations. The international community comes with its own set of trend-setting institutions and systemic prerogatives, ones that all internally sovereign states must account for. This system is much stronger in the post-WWII and post-Cold War world, with the novel constellation of pressure, advocacy, and accountability organizations, than it was in prior times when international relations were the domain of *jus gentium* and other purely customary understandings. Such customs persist today, but the general trend of the international rhizome over the last century has been towards greater contractualism. Whether that trend will continue depends on the future development of the systemic conditions of modern international politics.

Conclusion

Thomas Hobbes proposed a theory of the state of nature based on the conflicting interests of a set of atomized individuals, who could better serve each of their interests by rationally renouncing their right to use violence to a state. This individualistic approach to human nature and constructivist view of state formation has flaws. In this state of individual competition, no driving force or clear solution exists to motivate individuals to select a sovereign to rule over them, since they are equal in capabilities, and so the game theoretic collective action problem of Hobbes' state of nature would not have an incentive structure conducive towards the kind of sovereignty necessary to progress beyond it.

To address this issue, I have posed a model by which people have a natural focal point: kinship. Around this, societies can organize and escape cycles of violent competition. I pose a

collectivist model of the state of nature composed of kinship group competition as the base of the balance of power, instead of competition between equal individuals. The state, in this model, is an emergent structure, rather than a constructed one as Hobbes and Locke proposed. Sovereignty is initially a relatively weak condition, mediating and providing direction between feuding clans but possessing no monopoly on violence.

With time and the growth of social complexity, new institutional bases can form that permit a stronger polity that can impose order over its constituents. As these polities solidify, questions around deciding exceptions to customary social rule and the ability to have orders carried out throughout the system become other hallmarks of what we call sovereignty. Some polities never develop sovereignty – these instead persist as a network of institutions that have either evolved mechanisms or rules for mediating conflict in a manner where a sovereign is not required and in which no body can usurp sovereign power by force, or they construct such a network with the deliberate intent of reaching that same end. I refer to these as the sovereign or arborescent model, and the distributed or rhizomatic model, respectively. In the former, peace is generally kept by a monopolist on power, while in the latter it is equilibrated across a set of institutions.

Bibliography

The Catholic Encyclopedia, Vol. 15. Edited by Umberto Benigni. Robert Appleton Company, 1912. <https://www.newadvent.org/cathen/15333a.htm>

Bunck, Julie and Fowler, Michael. 1995. *Law, Power, and the Sovereign State: The Evolution and Application of the Concept of Sovereignty*. Cambridge University Press, 2014.

Chess, David. "Stimulating the Evolution of Behavior: The Iterated Prisoner's Dilemma Problem". In *Complex Systems*. 2 (6): 663-70.

Cicero, Marcus Tullius. *The Republic and the Laws*. Translated by Niall Rudd. New York: Oxford World's Classics, 1998.

Corning, Peter A. 2012. "The Re-Emergence of Emergence, and the Causal Role of Synergy in Emergent Evolution." *Synthese* 185, no. 2: 295-317, 2012.
<http://www.jstor.org/stable/41477699>.

Deleuze, Gilles and Guattari, Felix. 1980. *A Thousand Plateaus*. University of Minnesota Press, 1987.

De Tocqueville, Alexis. 1835. *Democracy in America, Volume I*. Pennsylvania State University, 2002.

Gage, Stephen. 2007. "The Boat/Helmsman". *Technoetic Arts: A Journal of Speculative Research*, 5(1), 15-24, 2007. https://doi.org/10.1386/tear.5.1.15_1

Gillani, Aftab Hussein and Tahir, Mohammed. 2014. "The Administration of Abbasids Caliphate: A Fateful Change in the Muslim History". *Pakistan Journal of Commerce and Social Sciences*, Vol. 8 (2), 565-57, 2014. <http://www.jespk.net/publications/195.pdf>

- Hamilton, W.D. 1963. "The genetical theory of social behavior". *Journal of Theoretical Biology* Volume 7, Issue 1, 1963.
<https://www.sciencedirect.com/science/article/pii/0022519364900384>
- Hobbes, Thomas. 1651. *Leviathan*. Wordsworth Classics of World Literature, 2014.
The Oxford Classical Dictionary, 4th ed. Simon Hornblower, Antony Spawforth, and Esther Eidinow. *Oxford University Press*, 2012.
- Illarionov, Andrei. 2009. "Reading Russia: The Siloviki in Charge." *Journal of Democracy*, vol. 20, no. 2. 2009.
- Locke, John. 1690. *Second Treatise on Government*. Gutenberg Press, 2003.
<https://www.gutenberg.org/files/7370/7370-h/7370-h.htm>
- King, W.B. 1973. *Law and Society in the Visigothic Kingdom*. Cambridge University Press, 2006.
- Marx, Emanuel. 1978). "Ecology and politics of Middle Eastern politics." Weissleder, Wolfgang (ed.). *The Nomadic alternative: Modes and models of interaction in the African-Asian deserts and steppes*. Moulton.
- Montesquieu, Charles de Secondat. 1748. *The Spirit of The Laws*. Batoche Books, 2001.
- Parolin, Gianluca Paolo. 2009. "Citizenship in the Arab World: Kin, Religion and Nation-State." Amsterdam University Press.
- Prescott, William H. 1843. *History of the Conquest of Mexico*. New York: Modern Library, 2001.
- Rousseau, Jean-Jacques. 1755. *Discourse on Inequality*. Translated by G.D.H. Cole.

Schmitt, Carl. 1921. *Dictatorship*. Polity Press, 2014.

Schmitt, Carl. 1932. *Political Theology*. Translated by Tracy B. Strong. University of Chicago Press, 2005.

Smith, John Maynard (1964). "Group Selection and Kin Selection". *Nature*. 201 (4924): 1145-1147, 1964.

Weber, Max. 1919. *Politics as a Vocation*. New York: Oxford University Press, 1946.

<http://fs2.american.edu/dfagel/www/Class%20Readings/Weber/PoliticsAsAVocation.pdf>

[f](#)